

# **TENNESSEE DEPARTMENT OF HUMAN RESOURCES ATTENDANCE AND LEAVE POLICIES AND PROCEDURES**

## **INTRODUCTION**

**PURPOSE.** To provide uniform policies, guidelines and procedures for attendance and leave management to Executive Branch departments and agencies of Tennessee state government.

Authority: T.C.A. 8-30-215  
Personnel Rule: 1120-6-.01

**RESPONSIBILITY.** It is the joint responsibility of each employee's immediate supervisor, departmental personnel officer and appointing authority or designated representative to determine the type of leave to be charged for each absence and to promptly and properly record and report this leave. Leave with pay represents the expenditure of State money. Therefore, the appropriate use and proper and prompt reporting of leave are essential to sound fiscal and personnel management. Funds used incorrectly for leave may be recovered from the employee or, if this is not possible, from those departmental officials responsible for approving the improper action. It is also the responsibility of the employee, supervisor, departmental Human Resources officer and appointing authority or designated representative to maintain an accurate and up-to-date record of the amount of scheduled overtime work performed, the necessity for the overtime work and the schedule of compensatory time taken.

Authority: T.C.A. 8-30-215  
Personnel Rule: 1120-6-.02

# TENNESSEE DEPARTMENT OF HUMAN RESOURCES ATTENDANCE AND LEAVE POLICIES AND PROCEDURES MANUAL

## TABLE OF CONTENTS

<b>GLOSSARY .....</b>	<b>ii</b>
<b>CHAPTER 1    WORK SCHEDULES .....</b>	<b>1</b>
Office Hours	
Regular Work Schedules	
Irregular Work Schedules	
Workweek	
<b>CHAPTER 2    LUNCH PERIOD AND LEAVE.....</b>	<b>3</b>
Lunch Hour	
On Call	
Fixed Post Assignment	
Rest Breaks	
<b>CHAPTER 3    EXCUSED AND UNEXCUSED ABSENCES .....</b>	<b>5</b>
Excused Absence Authorization	
Participation in State Examinations And Interviews	
Elections - Time Allowance for Voting	
Blood Donation	
Employee Assistance Program (EAP)	
Absence Due To Inclement Weather	
Absence Due To Uninhabitable Building	
Health Services	
Appearance At Civil Service Hearing	
State Group Insurance Appeals	
Specialized Disaster Relief Services Leave	
Bereavement Leave	
Discretionary Leave With Pay	
Excused Absences Without Pay For Voting Machine Technician	
Unexcused Absences	
<b>CHAPTER 4    ANNUAL LEAVE .....</b>	<b>10</b>
Eligibility To Accrue Leave	
Employees Eligible To Accrue Leave	
Employees Ineligible to Accrue Leave	
Leave Accrual	
Leave Accumulation	
Recording Time	
Scheduling Annual Leave	

Yearly Transfer of Annual Leave To Sick Leave  
Using Compensatory Leave Before Annual Leave  
Annual Leave May Be Used As Terminal Leave  
Leave Of Absence For Participation In Certain Athletic Competitions  
Annual Leave Transferable Between State Agencies  
Using Annual Leave For Employee Meetings  
Procedures For Administering Leave  
Annual Leave Used In Prior Month

**CHAPTER 5 SICK LEAVE ..... 17**

Eligibility To Accrue Sick Leave  
Use of Sick Leave  
Sick Leave Balance For Separating Employees  
Excess Annual Leave Transferred To Sick Leave  
Sick Leave Use After Notice of Separation  
Sick Leave May Not Be Advanced  
Sick Leave Transferable Between Agencies  
Reinstatement Of Unused Accumulated Sick Leave  
In Instance Of Death In The Employee's Family  
Bereavement Leave  
Sick Leave Excludable  
Doctor's Certificate Or Other Testimonials  
Sick Leave Bank  
Transferring Sick Leave Between State Employees  
Sick Leave Used In Prior Month

**CHAPTER 6 FAMILY AND MEDICAL LEAVE ACT ..... 25**

Summary  
Employee Eligibility  
Leave Entitlement - Qualifying Criteria For Granting Leave  
Leave Entitlement - Limitations On Length And Duration  
Criteria For Using Paid And Unpaid Family Leave  
Health Benefit Requirements  
Job Restoration Requirements  
Employee Notification Requirements  
Employee Medical Certification Requirements  
Prohibition Against Discriminatory Practices  
Requirement For Providing Information On FMLA Rights And Responsibilities  
Record-Keeping Requirements  
Employment Interview  
Special Rules Applying To Specific Employees Of Schools

**CHAPTER 7 HOLIDAYS ..... 42**

Legal Holidays  
List Of Holidays  
Holiday Credit For Exempt Executive Level Employees  
Eligibility For Holiday Benefits  
Accounting For Holiday Time For An Employee On An Irregular Work Schedule  
Accounting For Holiday Time For Employees Who Do Not Meet Eligibility  
Requirement

<b>CHAPTER 8</b>	<b>CIVIL LEAVE</b>	52
	Leave Use	
	Night Shift	
	Payment For Serving	
	Government Witness	
	Private Litigation Witness	
	Employee Involved In Criminal Or Civil Trial	
<b>CHAPTER 9</b>	<b>EXTENDED LEAVE</b>	54
	Eligible Employees	
	Leave Use	
	Accounting For Extended Leave	
	Returning From Extended Leave	
	Effect On Probationary Period, Service and Salary Increases	
	Accurate Reporting Of Employee Status	
<b>CHAPTER 10</b>	<b>EDUCATIONAL LEAVE</b>	56
	Eligibility For Educational Leave With Pay	
	Purposes	
	Compensation	
	Credit Given Toward Salary Increase	
	Effect Of Educational Leave On Service Time And Longevity	
	Annual And Sick Leave	
	Educational Leave Without Pay	
<b>CHAPTER 11</b>	<b>MILITARY LEAVE</b>	58
	Military Leave With Pay	
	Military Leave Without Pay	
	Military Funeral	
	Operation Desert Shield/Desert Storm	
	Operation Joint Endeavor	
<b>CHAPTER 12</b>	<b>SPECIAL LEAVE</b>	62
	Special Leave Without Pay	
<b>CHAPTER 13</b>	<b>MATERNITY/PATERNITY LEAVE</b>	64
	Maternity Leave Eligibility	
	Paternity Leave Eligibility	
	Restoration To Former Position	
	Physician's Statement	
	Employee's Responsibility To Request Maternity/Paternity Absence	
	Types of Leave Permissible For Maternity/Paternity Leave	
<b>CHAPTER 14</b>	<b>ADOPTIVE LEAVE</b>	66
<b>CHAPTER 15</b>	<b>DIVISION OF CLAIMS ADMINISTRATION LEAVE</b>	67
	Eligible Employee	
	Eligibility For Lost Time Compensation	
	Return From Leave	

Effect On Anniversary Dates  
Disabling Assault Injuries In The Line Of Duty

<b>CHAPTER 16</b>	<b>TERMINAL LEAVE</b> .....	69
	Eligible Employees	
	Employees Subject To State Retirement	
	Mandatory Lump Sum Payment Of Death Benefits	
	Beneficiary For Leave Balances	
	Termination Of Benefits	
	Beginning Of Terminal Leave	
	Saturdays, Sundays And Official Holidays	
	Determining The End Of Terminal Leave Period	
	Paying For A Holiday While On Terminal Leave Period	
	Paying For Excess Terminal Leave	
	Methods For Paying Terminal Leave	
	Longevity Payment On Terminal Leave	
<b>CHAPTER 17</b>	<b>TEMPORARY EMPLOYMENT OF RETIRED STATE EMPLOYEES</b> .....	73
<b>CHAPTER 18</b>	<b>OVERTIME</b> .....	74
	Overtime Authorization	
	Non-Exempt Employee Overtime Eligibility	
	Exempt Employee (Non-Executive Level) Overtime Eligibility	
	Exempt Employee (Executive Level) Overtime Ineligibility	
	Loss Of Exemption When 20% Non-Exempt Work Is Performed	
	Including Longevity Pay In Cash Overtime Calculations	
	Overtime For Traveling Outside The Regularly Scheduled Work Day	
	Overtime For Performing Emergency Services	
	Required Budgetary Approval Of Agency Overtime	
	Extra Services (Holding Two State Jobs)	
	Memorandum Of Agreement (Dual Service Contract)	
<b>CHAPTER 19</b>	<b>COMPENSATORY TIME</b> .....	79
	Use Of Compensatory Time	
	Compensatory Time Transferable	
	Value Of Compensatory Time	
	Compensatory Time Prior To Terminal Leave	
	Maximum Allowable Compensatory Time Accrual	
	Regular And Premium Compensatory Overtime Limits	
	Compensatory Time For Exempt Executive Level Employees	
	Compensatory Leave Used In Prior Month	
<b>CHAPTER 20</b>	<b>RESCHEDULING WORKWEEK</b> .....	82
<b>CHAPTER 21</b>	<b>PREVIOUSLY ACCRUED LEAVE USED IN A NON-ACCRUING POSITION</b> .....	84
<b>CHAPTER 22</b>	<b>LEAVE RECORDS</b> .....	85
	Procedures For Leave Records	

Attendance And Leave Records And Reports

**APPENDICES ..... 87**

Compensatory Time Request

Employee Attendance and Leave Authorization Form

Family Medical Leave Act Forms

Payroll Attendance And Leave Adjustment Form (with instructions sheets)

Restoration of Sick Leave (Example Form)

Service And Longevity Months Adjustment Sheet/Longevity Pay Adjustment  
Form

Sick Leave Bank Forms

## GLOSSARY

1. **Accrue** - To earn annual or sick leave for each month of service or major fraction thereof.
2. **Active Pay Status** - Term applied to an employee who is actually working or who is using paid leave (other than paid terminal leave or sick leave bank leave).
3. **Administrative Leave** - Leave with pay when an employee is removed from normal duties at the convenience and discretion of the appointing authority.
4. **Adoptive Leave** - Special leave without pay or sick leave for a period of thirty (30) working days granted to adoptive parents.
5. **Agency** - Any board, commission or department which employs and exercises authority over any employee of state government.
6. **Annual Leave** - Paid time away from work considered to be personal time. The amount accrued is based on the employee's length of state service.
7. **Appointing Authority** - An officer having power to make appointments to and separations from positions in state government.
8. **Appointment** - The official designation of a person to fill a position in state government as an employee.
9. **Assault Pay** - Full pay for a total of ninety (90) calendar days granted to an employee injured in the line of duty as a result of an assault which results in the employee's inability to perform job duties. This pay is a combination of regular payroll and Division of Claims Administration compensation.
10. **Audit** - To examine and verify amounts of leave and/or requests for payment.
11. **Bereavement Leave** - Three (3) days of paid leave, not taken from sick or annual leave, granted in the event of death of an employee's spouse, children, stepchildren, parents, grandparents, grandchildren, siblings, stepparents, foster parents or parents-in-law.
12. **Board of Claims Leave** - See Division of Claims Administration Leave.
13. **Brother-in-law** - (1) Brother of one's spouse. (2) husband of one's sister.
14. **C-7 Form (Attendance and Leave Adjustment)** - Form used to make leave balance corrections.
15. **Career Service** - All positions and persons in the State Service which have been placed under career service provisions of Title 8, Chapter 30, of Tennessee Code Annotated. (Previously called Civil Service).

16. **Civil Leave** - Leave allowing an employee to be absent from work on the day or days required while serving as a juror in any court of the United States or the State of Tennessee, provided the jury duty exceeds three (3) hours during the day for which the excuse is sought.
17. **Commission** - The Tennessee Civil Service Commission.
18. **Commissioner** - The Commissioner of the Department of Human Resources.
19. **Compensatory Leave** - Time off with pay earned by an exempt or non-exempt employee when compensable overtime hours are worked and not compensated in cash.
20. **Compressed Work Schedule** - A 37.5 or 40.0 hour scheduled workweek worked in four or fewer days.
21. **Credit** - A deduction from an existing balance, such as subtracting leave on a C-7 form.
22. **Creditable Service** - Any month which was part of a 1600 hour or greater yearly schedule in which an employee exceeds 50% of his regularly scheduled monthly working hours by one-tenth (0.1) of one hour shall be creditable for maximum accumulation purposes. When extended leave without pay has been taken to the extent that an employee did not work for a month or a major fraction thereof, that month shall not be included in computing state service.
23. **Division of Claims Administration Leave** - Leave without pay granted to an employee who has incurred an injury in the line of duty and is drawing compensation through the Division of Claims Administration. (Formerly called Board of Claims Leave).
24. **Educational Leave** - Leave with pay, normally at a reduced amount, granted and supported by a state department or agency under the Specialized Out-Service Training Policy administered by the Department of Human Resources Educational leave pay may also be requested by an employee to continue his education on a full-time basis.
25. **Emergency Appointment** - The appointment of a person to a career service position for a period not to exceed one hundred twenty (120) days when an emergency makes it impractical or impossible to fill the position through standard appointment procedures.
26. **Executive Level Employee** - An exempt employee ineligible to receive compensation for overtime hours worked. The Commissioner designates an employee in this category by job classification.
27. **Executive Service** - All positions and persons in the state service not subject to the career service provisions of Title 8, Chapter 30, of Tennessee Code Annotated.
28. **Exempt Employee** - Employee exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA).
29. **Extended Leave** - Leave without pay for the major portion of a month. Instances for which extended leave may be approved include special leave without pay, maternity,



adoption, educational, personal educational, Division of Claims Administration, military and sick leave bank leave.

30. **Flex-Time** - A work schedule which deviates from the normal 8:00 a.m. to 4:30 p.m. workday but is still within general guidelines authorized in advance by an appointing authority.
31. **Family and Medical Leave Act (FMLA)** - Federal government regulations setting requirements for granting leave for family and medical reasons, for providing insurance coverage during the leave period and for reinstating employees to the same or an equivalent position when the leave period has ended.
32. **Foster Parent** - Person who has performed the duties of a parent to the child of another person by rearing the child as his own child.
33. **Fair Labor Standards Act (FLSA)** - Federal government regulations setting minimum wage and overtime pay requirements.
34. **Full-time** - A position or employee budgeted for or scheduled to work a full-time schedule of one thousand nine hundred and fifty (1,950) hours or more per year.
35. **Gross Misconduct** - Any job-related conduct which may subject an employee to criminal prosecution.
36. **Initial Probation** - The first working test period (at least six months) an employee serves with his agency before becoming a career employee in that agency.
37. **Interim Appointment** - The appointment of a person to a career service position for a period not to exceed one year.
38. **Irregular Work Schedule** - Any work schedule totaling 37.5 or 40.0 hours per week other than the regular Monday through Friday schedule.
39. **Job Sharing** - The sharing of a single full-time position in the executive service by part-time employees who have the same job title and are limited to a combined total of 37.5 hours per week.
40. **Limited Term Appointment** - The appointment of a person to an executive service position for a limited term pursuant to statute.
41. **Longevity Pay** - Lump sum payment intended to reward employees for service to the state and encourage those employees to remain employed by the state.
42. **Major Fraction of a Month** - Term used when an employee exceeds 50% of his regularly scheduled monthly working hours by one-tenth (0.1) of one hour.
43. **Maternity Leave** - Absence from work granted because of disability associated with childbirth.

- 44. **Military Leave With Pay** - Leave of absence with pay, not to exceed fifteen (15) working days in any one calendar year, for any reserve component of the armed forces of the United States to engage in performance of duties or training in the service of the State of Tennessee or the United States.
- 45. **Non-Duty** - Time spent on paid or unpaid leave during a workday.
- 46. **Non-Exempt Employee** - Employee subject to the overtime pay requirements of the Fair Labor Standards Act (FLSA). A non-exempt employee is eligible for cash compensation for time actually worked over 37.5 hours per week.
- 47. **Overtime** - Authorized time worked in excess of the employee's normal workweek schedule for which extra compensation is authorized.
- 48. **Part-Time** - A position or employee budgeted or scheduled to work a part-time schedule, usually less than sixteen hundred (1600) hours per year.
- 49. **PNF-213 (Attendance and Leave Report)** - A form to report all work and non-duty time for most employees.
- 50. **Premium Overtime** - Work time compensated at one and one-half times an employee's regular rate of pay for hours worked in excess of 40 in a workweek. Non-duty hours for which an employee is compensated, such as annual leave, compensatory leave, sick leave and holidays, are not counted as time worked.
- 51. **Reclassification** - Change of a position or employee from one job classification to another classification based on a change in duties, authority, and responsibilities.
- 52. **Regular Appointment** - Appointment of a person to a permanent position in either the career or executive service for an indeterminate period of time.
- 53. **Regular Employee** - Employee appointed to a permanent position scheduled to work sixteen hundred (1600) hours or more per year who has satisfactorily completed an initial probationary period.
- 54. **Regular Overtime** - Work time compensated at an employee's regular rate of pay for hours actually worked in excess of his regular 37.5 hour weekly schedule up to 40.0 hours in a workweek.
- 55. **Rescheduling of Work Week** - Assigning different working hours within the workweek so an employee works his standard number of hours during the period when the work is needed. The rescheduling of working hours for a specific day in a work week should be approved in advance by the employee's supervisor before the work is performed.
- 56. **Seasonal Appointment** - Appointment of a person to an executive service position for an indeterminate period of time to be scheduled to work for a certain period usually recurring each year and generally not exceeding sixteen hundred (1600) hours per year.
- 57. **Service Anniversary Date** - Projected date in the future (based on an employee's total creditable state service) when the employee will change service group codes and begin

accruing annual leave at a higher rate. Any break in service may cause a change in this date.

- 58. **Sibling** - One of two or more persons having one or especially both parents in common; brother or sister.
- 59. **Sister-in-law** - (1) Sister of one's spouse. (2) Wife of one's brother.
- 60. **Service Group Code** - A number (1, 3, 4, or 5) identifying an employee's rate for annual leave accrual and maximum allowable annual leave accumulation based on the employee's total years of active service in a leave accruing status.
- 61. **Sick Leave** - Leave accrued by an employee at the rate of one day for each month or major fraction of a month of active service which may be used for illness of the employee or illness or death of an employee's family member.
- 62. **Special Leave** - Leave without pay of a specific duration which must be requested in writing and recommended in advance by the appointing authority for approval by the Commissioner.
- 63. **State Service** - Designation that includes all officers, positions, and employees of the executive branch of state government and all boards, commissions and agencies in state government except those specifically excluded by T.C.A. 8-30-101(a)(23).
- 64. **Temporary Appointment** - Appointment of a person to an executive service position for a temporary period, usually less than six (6) months.
- 65. **Temporary Provisional Appointment** - Appointment of a person to a career service position for a period not to exceed four (4) months when there is an insufficient certificate of eligibles or no established register.
- 66. **Terminal Leave** - The annual leave balance of a separating employee. Any annual leave balance remaining after the employee's last working day is considered terminal leave.
- 67. **Workday** - A scheduled day of work exclusive of annual or sick leave, holiday time or other authorized leave periods.
- 68. **Workweek** - The standard work period beginning at 11:00 p.m. Saturday and running 168 continuous hours to 11:00 p.m. the following Saturday.

## **CHAPTER 1 WORK SCHEDULES**

### **OFFICE HOURS**

The central offices of all departments and agencies, as well as field offices not requiring irregular work hours or schedules, shall be open for the transaction of public business from 8:00 a.m. to 4:30 p.m. local time, each day except Saturdays, Sundays and legal holidays. The established office hours of other organizational units may vary from one unit to the next depending upon the nature of the work and the demand for the unit's service.

Hourly equivalents for days used in this manual are for employees on a 7.5 hour work day, 37.5 hours per week schedule. Certain employees have an 8.0 hour work day, 40.0 hours per week schedule. The same rules shall apply to all full-time schedules.

### **REGULAR WORK SCHEDULES**

The regular work schedule for most employees is 8:00 a.m. to 4:30 p.m., Monday through Friday. Local conditions may cause these hours to vary, but an employee scheduled to work 7.5 hours per day, Monday through Friday, is considered to be on a regular work schedule.

### **IRREGULAR WORK SCHEDULES**

Many departments and agencies require irregular work schedules of their employees because of the nature of the work. Management at each work location has the authority to schedule arrival and departure times and specific work days for employees depending upon local needs and subject to prior approval of the department or agency's appointing authority. The use of flex time and compressed work weeks is also subject to approval of the appointing authority. Any work schedule totaling more than 37.5 hours per week must have prior approval of the Commissioners of Human Resources and Finance and Administration.

An employee on an irregular work schedule must revert to a normal work week schedule when using a prolonged period of annual, sick and compensatory leave, when placed on extended leave without pay status, and when paid through the sick leave bank.

#### **Daylight Savings Time And Shift**

Under the Uniform Time Act, daylight savings time is observed from the first Sunday in April until the last Sunday in October.

- A. Employees on duty at 2:00 a.m. when daylight savings time goes into effect in April and moves forward by one hour, although they actually work one (1) hour less than a full shift, should be given credit for a full shift.

- B. When time reverts back in October to standard time, employees on duty during that shift will work and be compensated for an extra hour. This hour should be considered when determining eligibility for overtime compensation for that week.

## **WORKWEEK**

The standard workweek for accounting purposes begins at 11:00 p.m. Saturday and runs 168 continuous hours in the form of seven (7) consecutive twenty-four periods to 11:00 p.m. the following Saturday.

Authority: T.C.A. 4-4-105

Personnel Rules: 1120-6-.03; 1120-6-.04

## CHAPTER 2 LUNCH PERIOD AND LEAVE

### LUNCH HOUR

All employees (except those listed below) shall be allowed a one (1) hour meal period. The authorized meal period must be taken during the work shift and may not be used to alter arrival or departure time by not using the meal period.

- \* Uniformed members of the Department of Safety
- \* Wildlife Officers
- \* Park Rangers
- \* All employees assigned to hospitals or institutions in the Departments of Mental Health and Mental Retardation, Correction and Youth Development.

Examples of charging leave before and after the lunch hour are:

**Example 1:** The employee arrives at work at 8:00 a.m. and works continuously until 1:00 p.m. The employee then requests annual leave for the remainder of the day. The employee actually worked 5.0 hours and charged 2.5 hours of annual leave.

**Example 2:** The employee arrives at work at 8:00 a.m. and works until 1:00 with the usual lunch hour and then requests annual leave for the remainder of that day. This employee will be charged 3.5 hours of annual leave, having actually worked 4.0 hours and taken a lunch hour.

### ON CALL

Certain employees are "on call" during their meal period. These employees are relieved of their duties during the meal period but must remain easily reachable to report back to work, if necessary. These employees receive extra compensation only if they are called back to work.

### FIXED POST ASSIGNMENT

Certain employees cannot be relieved of duties to have a meal period during their work shift. This situation usually results from "fixed post" assignments in which employees may not leave their work station. These employees are considered to be at work even if they are able to eat a meal during their work shift and must be compensated accordingly.

### REST BREAKS

Appointing authorities or agency heads, at their discretion, may allow their employees two rest breaks during each workday. One break may be allowed in the morning and the other in the afternoon for a period not to exceed fifteen (15) minutes each. These rest breaks are a privilege and not a right and should be taken at times that do not interfere

with service to the public. If an employee chooses not to take advantage of rest breaks, this time may not be accumulated and added to lunch periods or any type of leave.

A rest break may not be used to alter arrival or departure time or used in conjunction with the lunch hour.

Authority: T.C.A. 4-4-105; 8-30-215

Personnel Rules: 1120-6-.07; 1120-6-.08

## CHAPTER 3 ADMINISTRATIVE LEAVE (Excused and Unexcused Absences)

### EXCUSED ABSENCE AUTHORIZATION

An excused absence is leave with pay granted by the Tennessee Code Annotated (T.C.A.) and/or Department of Human Resources rules or policies without being charged against the employee's compensatory, annual, or sick leave. This leave should be charged as administrative leave with pay unless noted differently.

### PARTICIPATION IN STATE EXAMINATIONS AND INTERVIEWS

An employee may be granted an excused absence to participate in career service and other examinations administered by the State of Tennessee for State employment but will not be granted an excused absence to participate in federal or other civil service examinations. An employee may also be granted excused absences to be interviewed for other State positions at the request of a responsible official of the interviewing agency. Absences for these reasons should be coded as "administrative leave with pay" on the employee's attendance and leave record.

### ELECTIONS - TIME ALLOWANCE FOR VOTING

Any person entitled to vote in an election held in this state may be absent from any service or employment on the day of the election for a reasonable period of time, not to exceed three (3) hours, necessary to vote during the time polls are open in the county where he is a resident. A voter absent from work to vote in compliance with this section will not be subjected to any penalty or reduction in base pay for his absence. If the work schedule of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or more hours before the closing of polls of the county where he is a resident, he may not take time off under this section. The employer may designate the period of permissible absenteeism. Absences for this reason should be coded as "administrative leave with pay" on the employee's attendance and leave record.

Application for such absence shall be made to the employer before twelve (12) noon of the day before the election.

**Example:** In most elections, the polls close at 7:00 p.m. Therefore, State employees whose normal shifts ends at 4:30 p.m. and who have requested to leave early to vote, as prescribed above, should be excused at 4:00 p.m. on that date to ensure that they have a reasonable period of time to vote.

Since polls are open until 8:00 p.m. in the Eastern Time Zone, this policy only affects employees in that time zone working a schedule other than 8:00 a.m. until 4:30 p.m. Therefore, only employees having less than three (3) hours available between the normal end of their shift and 8:00 p.m., Eastern Time Zone, should be notified of this policy. Otherwise, the policy only applies to employees in the Central Time Zone.

### BLOOD DONATION

Employees participating in a state-sponsored blood drive will be considered **on duty** during the time necessary to give blood, plus a reasonable length of time for recovery. Any time away from



the job beyond that period, due to complications, must be charged as sick, compensatory or annual leave.

Employees with rare or special blood types contacted by the American Red Cross and its counterparts in other areas of the State and asked to donate blood will be considered **on duty** during the time required.

Employees donating platelets through the Pheresis Program should be granted "administrative leave with pay" for the time required, workload permitting. The difference in policy for pheresis donors is necessary due to the frequency one may give platelets versus whole blood (every two weeks versus every 56 days).

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Employees are to be excused to receive counseling through the EAP program for up to six (6) sessions per episode/problem. While supervisors may maintain informal records of employees' counseling sessions, no formal documentation of these sessions should be maintained. EAP counseling sessions are considered confidential. For this reason, employees should be considered "**on duty**" during the time counseling sessions occur and this time coded as working time on the employee's attendance and leave record (up to 6 sessions).

Should the employee be referred by an EAP counselor to other professional services for additional counseling or treatment, any further time off should be coded as compensatory, annual or sick leave as appropriate.

## **ABSENCE DUE TO INCLEMENT WEATHER**

Inclement weather does not usually warrant the closing of State offices. Absence due to inclement weather requires that each employee make a personal judgment pertaining to his safety in traveling to and from work. Loss of work time for this reason is charged against the employee's compensatory or annual leave accumulation. If the employee has no compensatory or annual leave, then the time absent is charged as leave without pay. Employees who make the effort to report on time and who report within a reasonable period should not be required to use leave for that absence.

Occasionally, extraordinary emergency conditions caused by extreme inclement weather may warrant the closing of some state offices by the Governor or the Governor's designee. Any decision to close state offices due to extreme inclement weather should be countywide and made county to county. Communication of any closing decision will be made as quickly as practical by public broadcast media.

Certain employees who are employed by MH/MR facilities, correctional facilities, Department of Children's Services (group homes, schools, and institutions), Department of Transportation, Department of Safety, and others which require the employee to maintain the health and safety of others may be required to report to work during periods of ordinary and extreme inclement weather.

Employees who work and/or reside in a county where state offices are closed due to extreme weather will receive administrative leave with pay for regularly scheduled working hours during the period of closing. Employees who must work when offices in their home or work county are closed are eligible for regular compensatory time for hours actually worked during the period of closing up to their regular scheduled hours for the workday. Hours worked in excess of regularly scheduled hours are compensated as overtime hours at the end of the workweek based on each employee's FLSA status. Such time worked by an executive grade employee should be treated

the same as time worked on a holiday. Part-time employees are not eligible for administrative leave or compensatory time. Employees on previously approved leave during the affected period must continue to charge the appropriate leave and will not be eligible for administrative leave.

## **ABSENCE DUE TO UNINHABITABLE BUILDING**

Employees who are not able to work in a building that is considered uninhabitable due to power outages, flooding, physical damage or other valid reasons should be granted administrative leave with pay for all regularly scheduled hours during the affected period. Employees who are required by management to work during the periods that the building is considered uninhabitable may receive regular compensatory time for hours actually worked during the affected period up to their regularly scheduled hours for the workday. Hours worked in excess of regularly scheduled hours are compensated as overtime hours at the end of the workweek based on each employee's FLSA status. Only those employees who are directly affected by a building closing are eligible for administrative leave with pay or compensatory time. Employees who normally work in an affected building or area who were assigned to a different work location that was not considered uninhabitable during the affected period are not covered under this policy. Such time worked by an executive grade employee should be treated the same as time worked on a holiday. Part-time employees are not eligible for administrative leave or compensatory time. Employees on previously approved leave during the affected period must continue to charge the appropriate leave and will not be eligible for administrative leave.

The appointing authority(s) in the affected agency(s) is responsible for making the initial determination that a building is uninhabitable through consultation with the Facility Administrator in the Department of General Services assigned to the location. If a determination is made to deem the building uninhabitable, the Commissioner of the Department of Human Resources should be notified as soon as possible for approval. Authorized personnel in the agency may deem a building uninhabitable in emergency situations that are considered hazardous to the safety of the employees or when situations occur outside the regular Monday through Friday work schedule. When this occurs, the Department of Human Resources should be notified as soon as possible. A follow-up written notification to the Department of Human Resources is required in all uninhabitable situations. The uninhabitable building policy only applies in instances in which an entire county is not closed. All employees within the county in which the building is located that are not affected by the building closure will not be eligible for any administrative leave with pay or compensatory time.

Employees cease to receive administrative leave with pay or compensatory time once the building is considered habitable again or an alternative work site is provided. Administrative leave and compensatory time granted under this policy may not exceed 37.5 hours (7.5 hour employee) or 40.0 hours (8.0 hour employee) without additional authorization from the Department of Human Resources.

## **HEALTH SERVICES**

Administrative leave with pay may be granted for an employee to attend State sponsored health promotion-related programs and activities or to receive medical treatment through the State Employee Health Center.

The employee must go directly to the health clinic or specified location and return immediately to work if he works in a county that is a reasonable distance from where the health services are being conducted. A maximum of seven and one-half (7.5) hours of administrative leave with pay may be granted for an employee to receive a physical examination at the Employee Health Center.

















































































































































































